DOCUMENT RESUME

ED 213 086 EA 014 379

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TITLE Collective Bargaining: What Are the Effects on Schools?
INSTITUTION Oregon Univ., Eugene. Center for Educational Policy and Management.
SPONS AGENCY National Inst. of Education (ED), Washington, D.C.
PUB DATE 81
NOTE 9p.
AVAILABLE FROM Center for Educational Policy and Management, College of Education, University of Oregon, Eugene, OR 97403 (free).
JOURNAL CIT R & D Perspectives; p1-5, 8-10 Fall 1981

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Academic Achievement; *Collective Bargaining; Disabilities; Educational Policy; *Educational Research; Elementary Secondary Education; Public Schools; Resource Allocation; Scope of Bargaining; Services; *Teacher Administrator Relationship; Teacher Salaries; *Unions

ABSTRACT

In reviewing recent and ongoing research on teacher collective bargaining, this article explores patterns of bargaining in public education and the effects of bargaining on educational policy and the allocation of resources. The author summarizes Douglas Mitchell and Charles Kerchner's concept of the "generations" of bargaining--from meeting and conferring to good-faith bargaining to negotiated policy--and then discusses current issues being studied by other researchers. Among these issues are conflict over the scope of bargaining, perceived lack of administrative power, uniformity of contract enforcement, allocation of teacher time and other resources, and services to the handicapped. The research studies covered uniformly indicate that collective bargaining has had and is having a significant effect on public schools, often in unintended ways. Both administrators and teachers (management and unions) can benefit from the research, this paper maintains, as they seek to make more effective use of collective bargaining to improve public education. (Author)

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R & D PERSPECTIVES

Center for Educational Policy
and Management

University of Oregon
Eugene, Oregon

Fall 1981

Collective Bargaining: What Are the Effects on Schools?

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R & D Perspectives is a quarterly publication of CEPM, written and produced by Wynn de Bevoise. We welcome your comments.

Collective bargaining is the combination of a display of raw power and rational problem-solving. This was a conclusion reached by M. Chester Nolte more than a decade ago. Although the dichotomy between power and problem-solving may remain today, the complexity and influence of collective bargaining in public education have grown dramatically since Nolte made his statement.

The metamorphosis and maturation of public sector bargaining have also been attended by a changing focus in research. Early scholars, like Nolte, concentrated on the process of collective bargaining in education. Present researchers, including those at the Center for Educational Policy and Management (CEPM), are looking beyond the process to the effects of bargaining.

Interest in the impact of teacher negotiations has been heightened by current fiscal constraints and the emphasis on student achievement. Legislators, educators, parents, and other citizens are asking whether collective bargaining has transferred the balance of power in the administration of public schools, whether it has significantly increased the cost of public education, and whether it has contributed to teacher effectiveness.

This article attempts to communicate the evolving answers to some of these questions by researchers at the Center and by their colleagues in other parts of the country. The reader should be forewarned, however, that the research on collective bargaining is often inconclusive and diffuse. Researchers are continuing to refine their methodologies, which can substantially alter results. Thus, what emerges is not so much a cohesive amalgam of findings as an indication of trends and possibilities being suggested by current studies.

The Generations of Bargaining

The work of Charles T. Kerchner, associate professor of education at the Claremont Graduate School, and Douglas E. Mitchell, associate professor of education at the University of California at Riverside, provides a framework for viewing current inquiry into collective bargaining and its impact on schools.

Kerchner and Mitchell and two associates, Wayne Erck and Gabrielle Pryor, have recently conducted a two-year-long study of school districts in Illinois and California. The first eighteen months involved an ethnographic study of eight school districts, and the second year of the study included conducting interviews in

and surveying an additional seventy-two districts in the two states. From this and related work, Kerchner, Mitchell, Erck, and Pryor have drawn several conclusions pertaining to bargaining's general effects on education.

First, they assert that collective bargaining for public school teachers is of great significance and not merely a technical alteration in educational operations. Their point is emphasized by a California legislative staff consultant who remarked that recent legislative reform measures "look like popguns compared to the howitzer of collective bargaining." According to the researchers, collective bargaining has been the principal cause of substantially altered definitions of teachers' work responsibilities, of basic changes in the mechanisms that control how teachers perform their duties, and of modifications in the authority of principals and other administrators.

Kerchner and colleagues' second assertion is that the private sector model of collective bargaining, which depicts a linear movement from conflict to cooperation, does not apply to collective bargaining in public education. They describe three generations, or progressive stages, in school district labor relations: meet and confer (in which it is assumed that teachers and managers share common goals concerning the good of public education and the school board unilaterally makes final decisions), good faith bargaining (in which the right of teachers to bargain is recognized and teacher organizations become institutionalized), and negotiated policy (in which labor relations are more political than economic or organizational, and bargaining is multilateral, involving active parties other than labor and management).

Each of the first two generations is followed by a period of intergenerational conflict, the first period characterized by increased teacher militancy and the second by the public's fear of what is perceived as "undue influence" of teachers and the destruction of basic democratic control over school policy. During these periods, labor relations becomes the subject of intense public and political controversy. It is not unusual for school board members, superintendents, and union leaders to lose their offices. Few districts have entered the third generation of labor relations. In their study, Kerchner and colleagues observed only one district that had progressed to the stage of negotiated policy. In fact, many districts remain in the first generation.

Bargainers for both sides respond to immediate problems and fail to gain a perspective on the impact of their decisions on the overall pattern of public education.

In this unfolding third phase of negotiations—the negotiation of policy—the conditions of labor relations are viewed as a test of confidence for educational leaders, including administrators, school boards, and teacher organizations. Public support becomes crucial. Under these conditions, the contract is a means for providing due process guarantees and a voice for teachers in policy making as well as the environment management deems necessary for effective educational programs; it is a powerful tool for management rather than simply an instrument for resolving conflict.

Scope of Bargaining

Whereas good faith bargaining has constituted a stable state in labor relations in the private sector, it has not done so in public education because of the intensely political environment surrounding public sector bargaining. The period of intergenerational conflict between good faith bargaining and negotiated policy is distinguished by bitter disagreement over the scope of bargaining. This conflict over scope is a result of management's change of emphasis at the bargaining table. Rather than resisting the expansion of the labor contract, management introduces its own agenda during negotiations, especially concerning teacher evaluation.

Anthony Cresswell of the State University of New York at Albany has called attention to the necessity, in the absence of any federal legislation or guidance, for each state's separate articulation of the scope of bargaining. The result is a marked lack of consensus.

The existing statutes attempt to achieve a balance of power between the two sides by distinguishing between the terms and conditions of employment and management prerogatives (policy decisions). However teachers feel educational policy directly affects what happens in the classroom and is, thus, part of the terms and conditions of their work. As expressed in a statement by the Connecticut Supreme Court, the two spheres

are almost impossible to separate in any satisfactory manner:

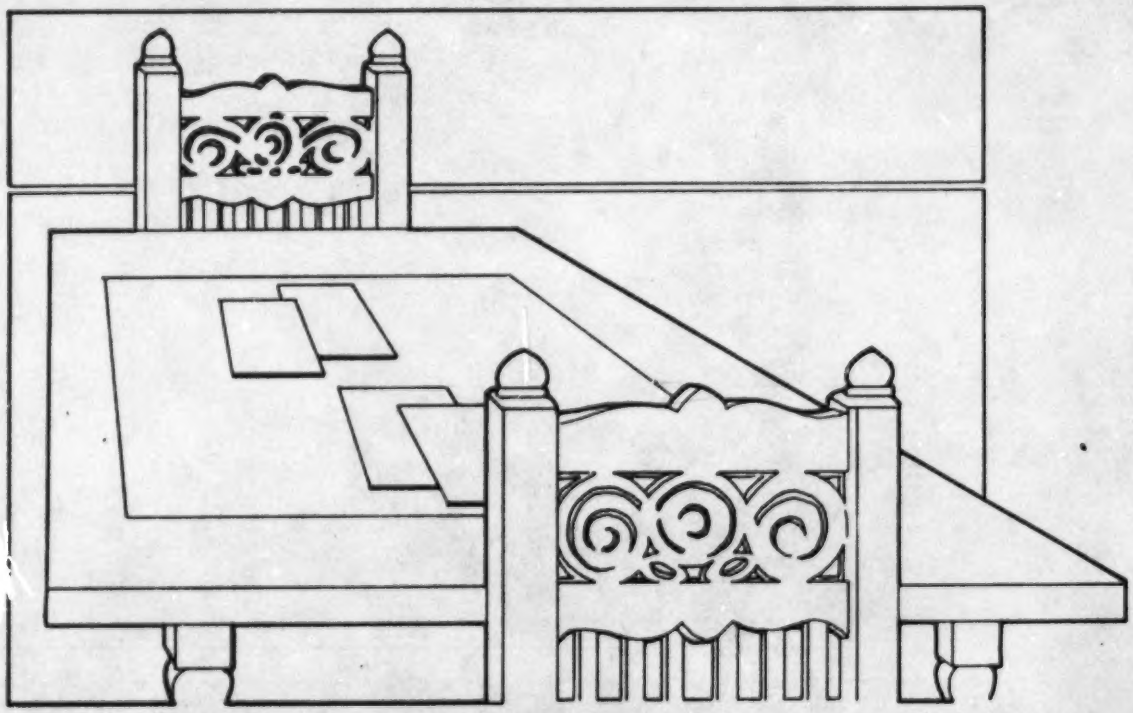
> The problem would be simplified if the phrase "terms and conditions of employment" and its purported antithesis, educational policy, denoted two definite and distinct areas. Unfortunately, this is not the case. Many educational policy decisions make an impact on a teacher's conditions of employment and the converse is equally true. There is no unwavering line separating the two categories. [Connecticut Supreme Court, 162 Conn. at 581].

The balance in the interpretation of the scope of bargaining between the interests of management and those of teacher unions dramatically affects teacher autonomy and principal discretion. Too broad an interpretation constrains the administrator, whereas too narrow an interpretation leaves teachers without a voice in daily operations. Generally, bargaining has had the perceived effect of controlling or diminishing administrator authority. As a result, an increasing number of administrators have joined more than 1,850 local middle-management unions in the United States. Bruce Cooper in his forthcoming book on collective bargaining (discussed elsewhere in this issue) quotes one high school administrator in Michigan who vividly expressed the frustration of his colleagues:

> School boards and their mouthpiece superintendents had their chance to win us over and they flubbed it. They've given us volumes of empty talk about our being "managers" but absolutely no authority to manage anything. They've left us alone and unsupported while they've signed away everything to the teachers. And they've done it all directly—hardly consulting us. Now they don't just want us to live with their actions, they actually expect us to *enforce* them. For principals, the handwriting on the wall is in capital letters. It says: FORM YOUR OWN TOUGH UNION, OR DIE ON THE VINE.

In discussing the bargaining process and the negotiating teams that sit at either side of the table, it is easy to lose sight of the fact that administrators and teachers are essentially united by a common desire to improve public education. Present attempts to scrutinize the effects of collective bargaining on schools are therefore of equal significance to all educators.

Susan Moore Johnson, Harvard University, maintains that with the appropriate leadership all parties associated with public education will attempt to address current problems in the quality of education. From a study of six school districts varying in size, controlling labor statutes, union affiliation, regional location, and a host of other characteristics, she discovered that there were significant differences in labor relations practices from one school to the next within the same district (i.e., working



under the same contract). Where Johnson expected to find standardization of work practice as a result of collective bargaining, she found considerable diversity in spite of bargaining. She relates,

> "There were sample schools where the contract was very prominent and schools where it wasn't mentioned by teachers or principals. There were schools where it was rigorously enforced and schools where teachers knowingly bent it for the good of the school. There were schools with many grievances and schools with none. There were schools where most teachers did little more than the contract required and schools where teachers went well beyond its minimal requirements. There were schools where labor relations were hostile and schools where labor relations were cordial."

The determining factor in this variety appeared to be the principal's administrative style. Teachers responded positively to principals who provided "the things that make successful teaching possible —a balanced roster, a manageable selection of students, adequate texts and supplies, and the maintenance of order in the school." But the relationship is not one-sided: "Principals who face expanded responsibilities with declining resources were increasingly dependent on the professional commitment and good will of teachers to make their schools work."

With the appropriate leadership, all parties associated with public education will attempt to address current problems in the quality of education.

Accidental By-Products

Kerchner and Mitchell have expressed concern about the "accidental by-products of a labor relations process in which negotiators focus their attention on conflict management rather than policy-making." They have found that bargainers for both sides respond to immediate problems and fail to gain a perspective on the impact of their decisions on the overall pattern of public education.

The growing concern over the unintended consequences of collective bargaining on classrooms is shaping the work of several researchers, including that of Randall Eberts, economics, and Lawrence Pierce, political science, two investigators for CEPM. Eberts and Pierce have recently completed analysis of a national cross-sectional sample of 3,300 teachers, comparing the allocation of time between teachers covered by collective bargaining agreements and those not covered. In this attempt, the researchers are traveling in uncharted territory. To date they have found that the most dramatic effect of collective bargaining on teacher time is that it reduces the amount of time teachers spend on instruction and increases the amount of time teachers spend on administrative duties. The average amount of time taken from instruction is 10 minutes a day. This ten minutes is redistributed among three activities:

- 3.1 additional minutes are given to preparation
- 5.3 additional minutes are given to administrative duties
- 1.6 additional minutes are given to meetings with parents

According to Eberts, this finding may indicate a tendency for collective bargaining to reduce the quality of education. In an unpublished report on the study, he concludes, "Since collective bargaining reduces instruction more than it increases preparation time, it is possible that (it) reduces student test scores. This conclusion, however, is extremely tentative and states only that the possibility of a detrimental effect exists." Both researchers caution that their work is no more than "an initial step in uncovering the effect teacher collective bargaining may have on the education process."

Eberts and Pierce are also proposing a further study of the effects of collective bargaining on the mobility, transfer, and assignment of teachers and eventually would like to consider bargaining's impact on the educational profession itself. They are interested in the type of people who are attracted to education today, their skills, intelligence, and experience, as well as the style of schools that collective bargaining might foster—traditional or open, amenable or opposed to innovation.

The researchers have some of the data needed for future study of the link between collective bargaining and student achievement (expressed in terms of standardized test scores). They are fully aware, however, of the complexities and

problems involved in establishing such a relationship. A colleague, Anthony Cresswell, has reviewed the research on collective bargaining and concludes that it is too soon to connect bargaining and student achievement. Because of the vague, controversial character of student outcomes, the statistical and conceptual shortcomings of achievement test scores, the paucity of models accepted by different researchers, and the problem of multicollinearity (the difficulty of distinguishing among the effects of a number of intercorrelated variables on student achievement), Cresswell argues that

> "bargaining effects should concentrate on connections with school operation characteristics which can be linked to contract administration or other more concrete elements of the labor-management relationship. . . . Similarly, the study of achievement and other outcome determinants should proceed with its own models and methodological agenda. When both have been sufficiently developed, especially in the specification of the characteristics of bargaining as a phenomenon far beyond a simple yes-or-no, then some attempts at combined analysis may be more fruitful."

Services to the Handicapped

Collective bargaining's unintentional effects may also influence the provision of services to handicapped students. Lorraine McDonnell and Anthony Pascal, in their classic study, *Organized Teachers in American Schools*, state that teachers often seek to protect contract gains from external pressures, such as federal mandates. In response to the Education for All Handicapped Children Act, teachers have pressed for extra weighting for handicapped students in determining class size and have requested released time for inservice training related to teaching the handicapped and for preparation of individualized education programs.

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Kerchner and Mitchell have found that most labor relations discussions make the

> "tacit assumption that collective bargaining is almost exclusively concerned with structuring the working relationships between teachers working in regular classrooms and the line administrators who supervise them. . . . When we inquired directly about the relationship between collective bargaining and specialized teacher roles, we found first that teacher organizations have a great deal of difficulty supporting the interests of specialists [and] that regular classroom teachers tend to resent specialists, whom they see as having protected, less demanding, and less productive jobs."

Moreover, the researchers found that, contrary to their expectations, specialist teachers are generally less involved in policy formation within teacher organizations and, therefore, do not actively protect their own interests. Administrators also fail to give a high priority to special working conditions for specialist teachers. Kerchner and Mitchell conclude that even those specialists whose services are specifically funded and required by law will experience "continuing tension and frustration in their efforts to collaborate with regular classroom teachers."

A reduction in administrative latitude due to collective bargaining could lead to difficulties in implementing federal programs.

Steven Goldschmidt, an associate professor in CEPM, has recently submitted a proposal to carry out a study of the provisions in contracts that affect the education of handicapped students. Goldschmidt, who has served as a member and chairman of the Oregon Employment Relations Board, a mediator, and a negotiator for school districts, characterizes this study as an exploratory investigation. Although both Denver (Colorado) and Lodi (California) have contracts with class-size provisions for handicapped students, Goldschmidt has no clear indication of how many other provisions actually exist that relate to the handicapped. Using a combination of contract analysis and interviews, Goldschmidt hopes to find where the truth lies between administrators' complaints about pressures exerted on them concerning provision of services to the handicapped and teachers' claims that they are controlling and developing better programs for dealing with the handicapped.

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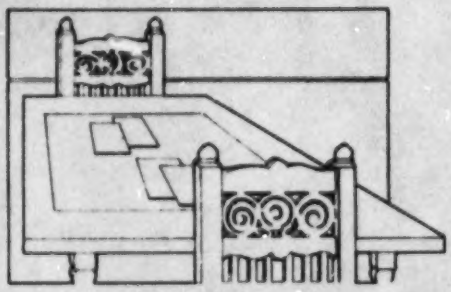

Moreover, he will be testing McDonnell and Pascal's speculation that a reduction in administrative latitude due to collective bargaining agreements "could lead to difficulties in implementing federal programs for compensatory education, desegregation, and mainstream schooling of the handicapped."

Financial Costs

Most literature on collective bargaining's impact on the costs of education has focused on increases in teacher salaries. Early studies indicated very small increases, and even some small decreases (Donald Frey), in teacher salaries as a result of collective bargaining. These studies were largely based on data from 1964-69. In 1975, using data from 1970-71, Jay Chambers found a 7.5 percent increase in salaries in unified districts in California and a 16.8 percent increase in elementary districts.

While their examination of data from 1973-74 tends to confirm the findings of earlier studies, CEPM researchers William Baugh, political science, and Joe Stone, economics, have found a much greater effect of unionization on wages during the period 1977-78. This suggests that collective bargaining has had an increasingly significant effect as it has become more widespread and institutionalized.

Baugh and Stone's work is based on sophisticated programming and analysis of data from the U.S. Bureau of the Census. Their findings indicate that "the union premium for teachers appears at least as large as the union premium in the economy at large. Hence, our findings tend to dispel the weak union arguments associated with public employee unions in general and with teacher unions in particular."

They state that a definitive explanation for the increased impact of unions is beyond the scope of their study, but they offer three plausible reasons. First, during the period studied (1974-78), existing unions may have developed the power to obtain increasingly favorable contracts. Second, there was a complementary growth in the number of states passing legislation favorable to teacher collective bargaining. Third, the union-nonunion wage differential in the economy at large tends to decrease during periods of excess demand, as in the 1970s. This factor combined with high rates of inflation put strong downward pressure on real teacher wages. Thus, teacher unions included maintenance of real wages as a primary objective, and the union-nonunion wage differential "could increase substantially without having either large real wage increases for union members or nominal wage decreases for nonunion workers."

In conclusion, the researchers assert that national data and two different research designs yielded the same finding: that in 1977 unionization of teachers and related teaching personnel had increased their wages, compared to those of similar nonunion workers, by 12 to 21 percent. Moreover, the analysis indicates that during this period, the real wages of unionized teachers increased slightly, despite inflationary pressures, while those of nonunionized teachers declined.

Having established a significant impact on teacher wages, the work of Baugh and Stone may no lead others to ask whether increased wages contribute to greater teacher effectiveness. By improving teacher morale, enticing highly qualified people into education, or enabling districts to retain their more competent teachers, higher wages may result in improved quality of education. Another question to be explored is whether "unobserved" competencies (organization, attitudes, ability to communicate) of teachers retained or attracted by increased wages may offset the increased costs of teacher salaries or whether higher wages reduce the number of teachers who seek second jobs.

In 1977 unionization of teachers and related teaching personnel had increased their wages by 12 to 21 percent.

Two journal articles that have grown out of Baugh and Stone's work in the labor education market will be published in 1982. "Teachers, Unions, and Wages in the 1970s: Unionism Now Pays" will appear in the *Industrial and Labor Relations Review*, and "Mobility and Wage Equilibration in the Educator Labor Market" will be

presented in the summer issue of the *Economics of Education Review*.

Baugh and Stone's work indicates that collective bargaining has contributed to the increased costs of public education by raising teacher salaries. However, wages are only a part of the total expense. Charles Kerchner has calculated that California school districts spent approximately $35 million on bargaining in 1977. This figure represents the total direct and indirect expenses of bargaining, including the costs of strikes, managerial or employee time given to negotiation, legal fees, grievance arbitration, and contract administration. However, it does not include the cost of participation by union members, contributed time by school board members, or the cost of operating the state agencies charged with implementing the law. Currently, it is estimated that annual bargaining costs in California total $150 million.

Conclusion

The ongoing research endeavors to guide both administrators and teachers, management and union leaders, to more effective uses of collective bargaining in improving public education. Scholars such as Cresswell, Kerchner, and Mitchell illuminate ways in which the effects of labor relations are integrated back into the organizational operations of schools. Others, such as Johnson, illustrate the conditions that foster cooperative implementation of bargaining contracts. Still others, such as Eberts and Pierce, Baugh and Stone, and Goldschmidt seek to discover the specific effects of contract provisions.

This body of research suggests that bargaining in education is a proper focus of concern, not only for teachers and administrators, but for legislators and the public as well. While there is divergence in many findings, there is a chorus of voices affirming that collective bargaining has a significant impact on schools and on classrooms. As Kerchner and colleagues have argued, particular attention needs to be given to the accidental by-products of teacher negotiations resulting from changes in the factors that influence the way teachers perform their work and allocate their time. Moreover, the public interest requires that a proper balance be maintained between the power of unions and of management.

There is a chorus of voices affirming that collective bargaining has a significant impact on schools and on classrooms.

Current economic conditions demand more than ever that unions, management, and the public work together for the good of public education. In a recent article, "Teacher Bargaining: An Autopsy," Myron Lieberman argues that public sector collective bargaining is inconsistent with democratic government and predicts its demise in the next twenty years. Albert Shanker replies that Lieberman's model of democracy is innacurate and ponders how the "adversary relationships between the National Education Association and the American Federation of Teachers and those among teachers, school boards, administrators, and parents can be turned into cooperative efforts to preserve public education." In the midst of heated debate, it is ever more imperative to identify the effects, both positive and negative, of collective bargaining on public education.

There are signs that the unions are responding to the challenge posed by the political environment. At the National Education Association's fourth National Collective Bargaining Conference in Los Angeles, NEA Assistant Executive Director Don Cameron spoke of the difficulty of "trying to bargain hard when we know all our problems are not emanating from the othe side of the bargaining table." The NEA leadership is pressing members to build alliances with everyone who can be persuaded to support public education. Perhaps the sense of crisis will help produce the cooperative relationship that has been identified as the essential characteristic of effective schools.

References

Cresswell, Anthony M., and Spargo, Fay. *Impacts of Collective Bargaining Policy in Elementary and Secondary Education: A Review of Research and Methodology; Recommendations for New Research.* Denver: Education Commission of the States, 1980.

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Garms, Walter; Guthrie, James W.; and Pierce, Lawrence C. *School Finance: The Economics and Politics of Public Education.* Englewood Cliffs, N.J.: Prentice Hall, 1978.

Lieberman, Myron. "Teacher Bargaining: An Autopsy." *Phi Delta Kappan,* 63 (December 1981): 231-34.

McDonnell, and Pascal, Anthony. *Organized Teachers in American Schools.* Santa Monica, Calif.: The Rand Corporation, 1979.

Mitchell, Douglas; Kerchner, Charles T.; Erck, Wayne; and Pryor, Gabrielle. "The Impact of Collective Bargaining on School Management and Policy." *American Journal of Education,* 89 (1981): 147-88.